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Initially, applicants would like to express their appreciation to Examiner Kenneth R. Coulter for the courtesies extended to attorney James Milton during a telephone interview on March 23, 2007. The telephone interview involved a discussion of the double patenting rejection of claims 1-20 over claims 1-12 of co-pending Application Number 10/600,109 and the double patenting rejection of claims 1, 14 and 20 over claims 26 and 34 of co-pending Application Number 10/685,778. Examiner Coulter agreed that both double patenting rejections could be overcome by a single terminal disclaimer.

Claims 1-23 are pending in the application. Claims 1-20 were provisionally rejected based on non-statutory obviousness-type double patenting. Claim 20 was rejected under 35 U.S.C. § 101. Claims 1-20 were rejected under 35 U.S.C. § 102 (e) and 35 U.S.C. § 102 (b). The specification was objected to.

Double Patenting Rejection

Claims 1-20 were provisionally rejected based on non-statutory obviousness-type double patenting over claims 1-12 of co-pending Application Number 10/600,109, which issued as U. S. Patent Number 7,171,228.

Claims 1, 14 and 20 were provisionally rejected based on non-statutory obviousness-type double patenting over claims 26 and 34 of co-pending Application Number 10/685,778, which issued as U. S. Patent Number 7,154,999.

Applicants have elected to provide a terminal disclaimer.

Rejection Under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 because the Office Action states that claim 20 is directed to non-statutory subject matter.

Applicants have responded by amending claim 20.

Rejection Under 35 U.S.C. § 102 (b) and (e)

Claims 1-20 were rejected under 35 U.S.C. § 102 (e) as being anticipated by U. S. Patent Number 6,499,053 issued to Marquette et al. on December 24, 2002.

Claims 1-20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U. S. Patent Application Number 2002/0073150 issued to Wilcock dated June 13, 2002.

Applicants have avoided these grounds of rejection for the following reasons.

Applicants' claim 1, as amended, now recites,

"An apparatus, comprising:

an application server component that receives an indication of one or more communication devices that are to receive one or more invitations to join a communication session;

wherein the one or more invitations comprise a phone call, a photo, and a short message service (SMS) message; and

wherein the application server component notifies the one or more communication devices of the one or more invitations to join the communication session; and

wherein upon acceptance of at least one of the one or more invitations by at least one or more of the one or more communication devices, the application server component connects the at least one of the one or more communication devices to the communication session."

Marquette does not teach this limitation. Applicants agree that Marquette discloses that an invitor user adds a member to a chat session by sending an invitation to an invitee user name at a proxy address at the chat server, as stated in column 2, lines 27-31. However, contrary to applicants' claim 1, Marquette does not teach "wherein the one or more invitations comprise a phone call, a photo, and a short message service (SMS) message".

Wilcock does not teach this limitation either. This is because Wilcock discloses an inviting state in which an invitation is sent to an endpoint system to join a session and in which a message is received back indicating whether the invitation has been accepted or declined and entered the established state, as stated in paragraph 0079. However, contrary to applicants' claim 1, Wilcock, similar to Marquette, does not teach "wherein the one or more invitations comprise a phone call, a photo, and a short message service (SMS) message".

Thus, the clear teaching of Marquette and Wilcock is that the one or more invitations do not comprise a phone call, a photo, and a short message service (SMS) message.

Since none of the references teach "wherein the one or more invitations comprise a phone call, a photo, and a short message service (SMS) message", as recited in applicants' claim 1, then claim 1 is not anticipated. Since claims 2-13 depend from allowable claim 1, these claims are also allowable over Marquette and Wilcock.

Independent claims 14 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by Marquette and Wilcock. For example, claims 14 and 20 recite, "wherein the one or more invitations comprise a phone call, a photo, and a short message service (SMS) message". Marquette and Wilcock do not teach this limitation for the above-mentioned reasons. Therefore, claims 14 and 20 are likewise allowable over Marquette and Wilcock. Since claims 15-19 depend from claim 14, these dependent claims are also allowable over Marquette and Wilcock.

New Claims

New claims 21-23 have been added. Claim 21 provides an additional limitation directed to the communication session. Claim 22 provides an additional limitation directed to the indication. Claim 23 provides an additional limitation directed to the indicator. No new matter has been added.

Claim Amendments

Claims 2-8, 10 and 12-13 were amended to add the term "and". Also, claims 4, 8 and 15-19 were amended to change instances of the term "one or more" to "at least one". No new matter was added.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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